

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE BOARD ON GEOGRAPHIC NAMES AND
5 ASSIGNING DUTIES; PROVIDING FOR CHANGES IN GEOGRAPHIC NAMES; ESTABLISHING A PROCESS
6 FOR KEEPING OFFICIAL STATE GEOGRAPHIC NAMES AND PROVIDING FOR COORDINATION UPON
7 CHANGES FROM THE FEDERAL GOVERNMENT; PROHIBITING THE PUBLISHING OR ADVERTISING OF
8 A GEOGRAPHIC NAME WITHOUT APPROVAL; AMENDING SECTION 2-15-401, MCA; REPEALING
9 SECTIONS 85-2-131, 85-2-132, 85-2-133, AND 85-2-134, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
10 DATE."

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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13

14 NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 7], the following definitions
15 apply:

16 (1) "Board" means the state board on geographic names.

17 (2) "Geographic feature" means any relatively permanent part of the natural landscape that has a
18 recognizable identity within a particular cultural context, including but not limited to lakes, streams, and physical
19 features.

20 (3) "Geographic name" means the proper name, specific term, or expression by which a particular
21 geographic name is, or was, known. A geographic name may refer to any place, feature, or area on the earth's
22 surface or to any group of similar places, features, or areas.

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24 NEW SECTION. **Section 2. Policy.** The state legislature finds that:

25 (1) it is the policy of the state that natural objects, places, or things continue to be known by the names
26 that they now bear, as determined by the board, so that the historical record of the state may be protected and
27 preserved;

28 (2) the use of accurate, official, geographic names is essential to fire fighting entities, search and rescue
29 efforts, law enforcement, land administration, and others in terms of keeping the place name history of the state
30 intact for the health and welfare of the citizens; and

(3) it is the policy of the state that each geographic feature has only one geographic name for state use and that any other name, whether used informally, unofficially, currently, or historically, is considered a variant name in state inventories, with the official name made clear in state products.

NEW SECTION. Section 3. Board on geographic names -- composition -- purpose. (1) There is a state board on geographic names.

(2) The purpose of the board is to standardize names for geographic features and to designate the most appropriate names for use in maps and other official government documents so that all levels of government and jurisdictions use the same name for the same feature.

(3) The board consists of 11 Montana citizens and must include:

(a) one member appointed by the director or head of the following agencies and organizations:

(i) the department;

(ii) the department of natural resources and conservation;

(iii) the department of fish, wildlife, and parks;

(iv) the Montana state library;

(v) the Montana historical society;

(vi) the department of commerce;

(vii) the department of transportation; and

(viii) a geography department within the university system;

(b) two members of the public appointed by the governor; and

(c) a member of a federally recognized Indian tribe in Montana.

(4) Public members shall serve 2-year terms. A vacancy on the board must be filled in the same manner as the original appointment, including geographic representation.

(5) The board is attached to the Montana state library for administrative purposes as provided in 2-15-121. The board members may not be compensated, but are eligible for reimbursement as provided in 2-18-501 through 2-18-503.

(6) A majority of board members constitutes a quorum.

(7) The board shall annually elect a presiding officer and vice presiding officer from among the members.

(8) The board shall meet as needed, but not less than once a year.

1 **NEW SECTION. Section 4. Powers and duties of board.** (1) The board shall:

2 (a) receive and evaluate all proposals for changes in or additions to names of geographic features in this
3 state and establish the most appropriate name and spelling for that feature;

4 (b) receive and evaluate all proposals for naming geographic features in this state for which no single
5 generally accepted name is or has been in use and establish the most appropriate name and spelling for that
6 feature;

7 (c) cooperate with political subdivisions of this state to eliminate the duplication of the names of
8 geographic features;

9 (d) in cooperation with county boards and with their approval, change the names of geographic features,
10 with the purpose of eliminating, as far as possible, duplication of names within the state;

11 (e) cooperate with the United States board on geographic names in matters relating to names of
12 geographic features and places in this state to ensure that there is no conflict between the state and federal
13 designations of geographic features in the state;

14 (f) maintain a list of advisers who have expertise in this state's history, geography, or culture and the
15 naming of geographic features and consult with those advisers in evaluating proposals; and

16 (g) designate one or more members to act as the state representative to the council of geographic
17 names authorities.

18 (2) The board may:

19 (a) adopt rules for the purpose of the orderly conduct of business. Any rules must be adopted pursuant
20 to Title 2, chapter 4. When appropriate and feasible, rules regarding the naming and renaming of geographic
21 features should comply with the United States board on geographic names' principles, policies, and procedures
22 for domestic geographic names.

23 (b) initiate proposals for changes in or additions to geographic names in this state. Any proposal initiated
24 by the board must be evaluated in accordance with the procedures prescribed under [section 5].

25 (3) Notwithstanding any other law, the board may not change street and road names for the purpose of
26 uniformity and it may not name scenic or historical highways.

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28 **NEW SECTION. Section 5. Changes of geographic names -- submission of proposal --**
29 **consideration -- action -- notice.** (1) A person, group, or agency of federal, tribal, state, or local government
30 may propose a change in or the addition of a geographic name for any geographic feature within this state by

submitting it and supporting information to the board for evaluation and recommendation.

(2) On receipt of a proposal, together with sufficient supporting information, the board shall:

(a) place the proposal on the agenda for consideration at its next meeting;

(b) give appropriate notice to persons and groups that are affected by the proposal or might have an interest in it;

(c) provide opportunities for public comment; and

(d) conduct research and field investigations as it considers necessary.

(3) When the board takes final action on a proposal, it shall notify the person, group, or agency that submitted the proposal and shall transmit the official recommendation of geographic names and minutes of the board meetings to the United States board on geographic names. The names approved by the board must be filed with the secretary of state and the clerk of the board of supervisors in the appropriate county.

(4) The Montana state library shall maintain a current map and inventory of state geographic names and prepare and publish an official state record of geographic names, either as a completed whole or in parts when ready.

NEW SECTION. Section 6. Official state names of geographic features. (1) When the board designates a name for a geographic feature within this state, the name is the official name for the geographic feature and must be used in and on all maps, records, documents, and other publications issued by this state or its departments and political subdivisions.

(2) At the time of designation of a name from the United States board on geographic names, that name must be used on all subsequent maps and that name is the official name of the geographic feature or place.

NEW SECTION. Section 7. Advertising or publishing geographic name without approval. A person may not attempt to modify local usage or name an unnamed geographic feature in an advertisement or publication without first obtaining the approval of the board. If a person violates this section, the board shall promptly act to curtail the activity and shall adopt an official name for the geographic feature if a recognized name is not of record.

Section 8. Section 2-15-401, MCA, is amended to read:

"2-15-401. Duties of secretary of state -- authority. (1) In addition to the duties prescribed by the

1 constitution, the secretary of state shall:

2 (a) attend at every session of the legislature for the purpose of receiving bills and resolutions and to
3 perform other duties as may be devolved upon the secretary of state by resolution of the two houses or either
4 of them;

5 (b) keep a register of and attest the official acts of the governor, including all appointments made by the
6 governor, with date of commission and names of appointees and predecessors;

7 (c) affix the great seal, with the secretary of state's attestation, to commissions, pardons, and other public
8 instruments to which the official signature of the governor is required;

9 (d) record in proper books all articles of incorporation filed in the secretary of state's office;

10 (e) take and file receipts for all books distributed by the secretary of state and direct the county clerk of
11 each county to take and file receipts for all books distributed by the county clerk;

12 (f) certify to the governor the names of those persons who have received at any election the highest
13 number of votes for any office, the incumbent of which is commissioned by the governor;

14 (g) furnish, on demand, to any person paying the fees, a certified copy of all or any part of any law,
15 record, or other instrument filed, deposited, or recorded in the secretary of state's office;

16 (h) keep a fee book in which must be entered all fees, commissions, and compensation earned,
17 collected, or charged, with the date, name of payer, paid or unpaid, and the nature of the service in each case,
18 which must be verified annually by the secretary of state's affidavit entered in the fee book;

19 (i) file in the secretary of state's office descriptions of seals in use by the different state officers;

20 (j) discharge the duties of a member of the board of examiners and of the board of land commissioners
21 and all other duties required by law;

22 (k) register marks as provided in Title 30, chapter 13, part 3;

23 ~~(l) report annually to the legislative services division all watercourse name changes received pursuant~~
24 ~~to 85-2-134 for publication in the Laws of Montana;~~

25 ~~(m)~~(l) keep a register of all applications for pardon or for commutation of any sentence, with a list of the
26 official signatures and recommendations in favor of each application;

27 ~~(n)~~(m) establish and maintain a central filing system that complies with the requirements of a central filing
28 system pursuant to 7 U.S.C. 1631 and use the information in the central filing system for the purposes of 7 U.S.C.
29 1631.

30 (2) The secretary of state may:

1 (a) develop and implement a statewide electronic filing system as described in 2-15-404;

2 (b) adopt rules for the effective administration of the secretary of state's duties relating to the Montana
3 Administrative Procedure Act established in Title 2, chapter 4."

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5 **NEW SECTION.** **Section 9. Repealer.** Sections 85-2-131, 85-2-132, 85-2-133, and 85-2-134, MCA,
6 are repealed.

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8 **NEW SECTION.** **Section 10. Notification to tribal governments.** The secretary of state shall send
9 a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
10 Chippewa tribe.

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12 **NEW SECTION.** **Section 11. Codification instruction.** [Sections 1 through 7] are intended to be
13 codified as an integral part of Title 90, chapter 1, part 4, and the provisions of Title 90, chapter 1, part 4, apply
14 to [sections 1 through 7].

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16 **NEW SECTION.** **Section 12. Severability.** If a part of [this act] is invalid, all valid parts that are
17 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
18 the part remains in effect in all valid applications that are severable from the invalid applications.

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20 **NEW SECTION.** **Section 13. Effective date.** [This act] is effective on passage and approval.

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